

REMARKS

This amendment is responsive to the non-final Office Action dated July 6, 2005. Claims 1 - 7 are pending in this application and have been rejected. Reexamination is respectfully requested in view of the foregoing amendments in the claims.

These remarks follow the order of the outstanding Office Action.

Priority Under 35 USC § 119

Applicant notes that at paragraph 12, page 1 the Examiner has not acknowledged priority. Applicant's records indicate that the document was transmitted to the Patent Office on March 10, 2004. A copy of the transmittal and the face copy of the priority document are attached. It is requested that the Examiner conduct a search for this document.

Claim Rejections - 35 USC § 103

In light of the outstanding claim rejection, Applicant has elected to amend the claims as indicated above.

The reference to treating the oxides in a hydrophobic manner is supported at page 5, beginning at line 8 of Applicant's specification. Further support for the amendments is found at page 8, line 3 up from the bottom in references to Finex 50 by Sakai Chemical Industry Co., Ltd., which is treated with methyl hydrogen polysiloxane.

With respect to the references of record, WO'803 discloses a sunscreen composition containing a sunscreen agent such as octyl

methoxycinnamate in combination with zinc oxide or titanium dioxide (see page 5, lines 11 and 22). This reference does not disclose octyl methoxycinnamate in combination with polyoxyethylene methylglycoside. Instead, fluorinated polymer like polytetrafluoroethylene (PTFE) is used as a sunscreen agent (see page 4, lines 3 - 7 and page 5, lines 3 and 11).

JP'517 discloses the combination of titanium dioxide and polyoxyethylene methylglycoside. However, there is no disclosure of octyl methoxycinnamate.

In JP'517, at page 111 (Japanese specification), only titanium dioxide is used because it only makes the skin less white, due to the fact that it does not bounce back visible rays, which, on the other hand, is important to a sunscreen agent. In JP'517 it is reported that polyoxyethylene methylglycoside is used to function as a humectant. Further, JP'517 does not disclose a combination of zinc oxide and polyoxyethylene methylglycoside and/or polyoxypropylene methylglycoside.

In Applicant's invention as now claimed, the powders such as zinc oxide and titanium oxide are treated in a hydrophobic manner with silicone processing with methyl hydrogen polysiloxane and silane coupling agents, metal soap processing, fluorine processing with perfluoroalkylphosphate diethanolamine salt and perfluoroalkylsilane and processing with dextrin fatty acid ester (page 5, lines 14 - 18).

On the other hand, JP'517 is a titanium dioxide in fine

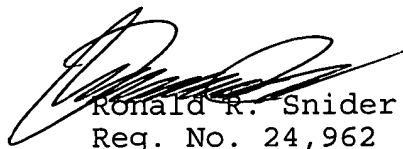
particle form, but it is not treated in a hydrophobic manner.

Still further, WO'803 discloses fluorinated polymer, like polytetrafluoroethylene (PTFE) for a sunscreen agent, which which it is incorporated into the composition (see page 4, lines 13). However, the powder is not treated in a hydrophobic manner.

The Examiner should note that use of PTFE is simply not related to Applicant's claimed invention.

In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance, and early action in accordance thereof is requested. In the event there is any reason why the application cannot be allowed in this current condition, it is respectfully requested that the Examiner contact the undersigned at the number listed below to resolve any problems by Interview or Examiner's Amendment.

Respectfully submitted,



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